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4 Attorney for Defendant
5 **AVERY BADENHOP**

6
7 **IN THE UNITED STATES DISTRICT COURT**
8
FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 AVERY BADENHOP, and
AULDEN BADENHOP,
a.k.a. Aulden Von Baden

14 Defendants.
15
16

Case No. CR 10-701 MMC
CR 10-MJ-71065 JL

17 **S T I P U L A T I O N A N D**
~~PROPOSED~~ **O R D E R**
CONTINUING STATUS
HEARING AND EXCLUDING
TIME FROM MARCH 16, 2011
TO MAY 4, 2011 UNDER THE
SPEEDY TRIAL ACT

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19 On February 2, 2011, the parties in this matter appeared before the Court for arraignment on
20 the Superseding Indictment. The Court set the matter for a status hearing on March 16, 2011 at 2:30
21 p.m. The parties jointly request that this Court continue the matter to May 4, 2011 at 2:30 p.m. for
22 status hearing, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
23 3161(H)(7)(A) and (B)(iv), from March 16, 2011 through May 4, 2011.

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1 Defendants Avery Badenhop and Aulden Badenhop, and the government consent to the
2 exclusion of time from March 16, 2001 through May 4, 2011 in accordance with the provisions of
3 the Speedy Trial Act, 18 U.S.C. § 3161. The parties represent that good cause exists for this
4 exclusion, including the effective preparation and continuity of counsel. The parties agree that the
5 failure to grant this continuance would unreasonably deny counsel for the defendants the reasonable
6 time necessary for effective preparation, taking into account the exercise of due diligence. See, 18
7 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by
8 granting an exclusion of time outweigh the best interests of the public and the defendant in a speedy
9 trial. 18 U.S.C. § 3161(h)(7)(A).

10 SO STIPULATED:

11 MELINDA L. HAAG
12 United States Attorney

13
14 DATED: _____

15 _____/s/
16 KEVIN BERRY
17 Assistant United States Attorney

18 DATED: _____

19 _____/s/
20 DOUGLAS L. RAPPAPORT
21 Attorney for AVERY BADENHOP

22 DATED: _____

23 _____/s/
24 STEVE KALAR
25 Attorney for AULDEN BADENHOP

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1 ~~PROPOSED~~ ORDER
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3 For the reasons stated above, the Court hereby orders that the status hearing date of March
4 16, 2011 is continued to May 4, 2011 at 2:30 p.m. The Court also finds that an exclusion of time
5 between March 16, 2011 through May 4, 2011 is warranted; that exclusion of this period from the
6 time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the
7 exclusion under Section 3161 outweigh the interests of the public and the defendant in the prompt
8 disposition of this criminal case, and that failure to grant the requested exclusion of time would deny
9 counsel for the defendants the reasonable time necessary for the effective preparation and continuity
10 of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

11
12 SO ORDERED.

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14 DATED: March 15, 2011

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THE HONORABLE MAXINE CHESNEY
United States District Judge